IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

WP(C).No. 30809 of 2006(P)

ID.53/1998 of LABOUR COURT, ERNAKULAM
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PETITIONER:

R.PARAMESWARAN NAIR,
VARUMPAYATH HOUSE, EARA P.O., NILAMPERUR,
KOTTAYAM.

BY ADV. SRI.P.RAMAKRISHNAN
SRI.T.C.KRISHNA

RESPONDENTS:
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1. HINDUSTAN NEWS PRINT LTD.,
REPRESENTED BY ITS MANAGING DIRECTOR,
NEWS PRINT NAGAR P.O., KOTTAYAM.

2. LABOUR COURT ERNAKULAM.

BY SRI.U.K.RAMAKRISHNAN, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/12/2006, ALONG WITH WPC NO. 23390 OF 2006 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1 CLAIM STATEMENT FILED BY PETITIONER.

P2 WRITTEN STATEMENT BY R1.

P3 AWARD DT 19.4.06 BY R2.

TRUE COPY

P.A. TO JUD

C.N. RAMACHANDRAN NAIR, J.

W.P. (C) Nos. 23390 H and 30809 P OF 2006

Dated this the 5th day of December, 2006

J U D G M E N T

In both the connected cases, the management as well as the worker are challenging same order of the labour court upholding findings of the enquiry officer but interfering with the punishment imposed by the management. After hearing both sides and on going through the orders, I do not find any ground to interfere with the findings of the labour court upholding the findings of the enquiry officer. However, it is seen that the punishment is not proportionate to the gravity of the guilt that is, negligence in work leading to injury to a fellow worker. The delinquent worker was kept out of service for 9 years and the labour court reinstated him with 25% back wages. However, since the worker is retired, there is no scope for reinstatement. Having regard to the facts proved I feel ends of justice will be met if the labour court award is modified by deleting the direction to pay 25% back wages to the worker because the labour court has upheld the findings of guilt of the worker. However, since the delinquent worker was kept out of employment for nearly 9 years, I feel the same will itself serve as sufficient punishment. Accordingly, the award is modified by deleting direction to pay 75% back wages but with direction to the management to give retirement benefits to the worker treating him as notionally in service in that rank for the period he was kept out of service.

(C.N. RAMACHANDRAN NAIR, JUDGE)

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